

**Members of the Senate Judiciary Non-Civil Committee
2016 Session**

Sen. Jesse Stone, Chairman

District 23

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Sen. Vincent Fort

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Sen. Hunter Hill

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Sen. Harold Jones, II

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Sen. Joshua McKoon

Ex-Officio

District 29

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Sen. Elena Parent

District 42

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SENATE JUDICIARY NON-CIVIL COMMITTEE RULES
2015 - 2016

1. Quorum of the Committee shall be five (5) members. Every member, including ex-officio members, shall count as a voting member for purposes of establishing a quorum at any given meeting.
2. The Chairman shall determine which bills, resolutions, substitutes, or amendments are to be considered and the order in which said measures are considered; the Chairman shall have the authority and discretion to call a bill, resolution, substitute or amendment for debate and explanation only or to limit consideration of such measures.
3. Each author, or his or her designee, requesting a Committee hearing and/or vote on a bill shall make such request in writing no later than forty-eight (48) hours prior to the scheduled meeting of the Committee, except at the discretion of the Chairman.
4. The Chairman shall have the authority to refer bills and resolutions to Subcommittee for study. Such Subcommittees in turn shall have the authority to make recommendation on such measures to the full Committee at such times as shall be designated by the Chairman. All actions of the Subcommittees shall be approved or disapproved by the standing Committee.
5. The Chairman shall have the authority to schedule, manage, and regulate the debate on bills, resolutions, substitutes, and amendments, and may in his discretion recognize motions related to such measures and the order in which they are recognized.
6. When a bill or resolution is before the Committee for consideration, and multiple, concurrent motions are made, the following shall be the precedence of the motions:
 1. A motion to postpone to a time certain;
 2. A motion to refer a bill to a Subcommittee;
 3. A motion that a bill do pass;
 4. A motion that a bill do not pass.(All motions listed above shall receive a second before consideration.)
7. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
8. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he/she may designate unless otherwise directed by the Chairman. The principal author shall be the legislator whose name appears first on the list of authors. The Committee shall not vote on any bill until the author or his or her designee has been given the opportunity to appear and be heard.
9. The Chairman reserves the right to delay or decline action on substitutes and amendments not provided to the Chairman in writing at least 24 hours prior to the hearing in which they are presented.

10. The Chairman shall not vote unless the Committee shall be equally divided or unless his or her vote if given in the minority will make the division equal. In case the vote is equally divided, the Chairman must vote.
11. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report if they so desire.
12. These Rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
13. Where these Rules are silent on a specific issue, the Rules of the Senate as adopted shall govern. If the Rules of the Senate are silent on a specific issue, Mason's Manual of Legislative Procedure shall govern.

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

January 26, 2016

The Senate Committee on Judiciary Non-Civil held its first meeting of the 2016 Legislative Session on Tuesday, January 26, 2016, at 4:00 p.m. in Room 310 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Hunter Hill (6th)
Sen. Harold Jones, II (22nd)
Sen. Josh McKoon (29th) – Ex-Officio
Sen. Elena Parent (42nd)

NOTE: Sen. Mike Crane (28th) and Sen. Vincent Fort (39th) were absent.

Chairman Stone (23rd) called the meeting to order at 4:07 p.m.

NOTE: Sen. Crane (28th) arrived at 4:10 p.m.

SB 193, Sen. Bethel (54th), Crimes and Offenses; family violence battery; change penalty provisions

Sen. Bethel (54th) presented SB 193 (LC 29 6289) to the Committee.

Mr. Thomas Weaver, a Georgia citizen, spoke in opposition to the bill.

Mr. Danny Porter, District Attorney from the Gwinnett Judicial Circuit and Mr. Chuck Spahos, from the Prosecuting Attorney's Council of Georgia, spoke in favor of the bill.

Sen. Bethel (54th) made a motion to amend SB 193 for the purpose of creating a committee substitute by adding the word "forcible" before the word felony on lines 17 and 21. Sen. McKoon (29th) seconded the motion. The motion passed 8-0.

Sen. Bethel (54th) made a motion that SB 193 **Do Pass By Substitute** LC 29 6856S. Sen. Jones (22nd) seconded the motion. The motion passed 8-0.

SB 193 DO PASS BY SUBSTITUTE (LC 29 6856S)

With no further business, the meeting was adjourned at 4:29 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

February 2, 2016

The Senate Committee on Judiciary Non-Civil held its second meeting of the 2016 Legislative Session on Tuesday, February 2, 2016, at 4:00 p.m. in Room 310 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Hunter Hill (6th)
Sen. Harold Jones, II (22nd)
Sen. Elena Parent (42nd)

NOTE: Sen. Vincent Fort (39th) and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 4:08 p.m.

NOTE: Sen. Fort (39th) arrived at 4:19 p.m.

Chairman Stone (23rd) asked the Committee to review the Rules as adopted the previous term. Sen. Bethel (54th) moved to adopt the Committee Rules. Sen. Hill (6th) seconded the motion. The motion to adopt the Committee Rules passed 8-0.

SB 278, Sen. Renee Unterman (45th) Criminal Offenses; increase the penalty provisions; pimping and pandering

Sen. Unterman (45th) presented SB 278 (LC 29 6784) to the Committee.

Ms. Camila Wright from the Attorney General's Office, Mr. Thomas Weaver, a citizen of Georgia, Ms. Susan Lee from the Gwinnett County Board of Commissioners, Ms. Ann Minz from the United Way, Ms. Polly McKinney from Voices for Georgia's Children, Ms. Julianna McConnell from Street Grace, Ms. Helen Robison from the YWCA of Greater Atlanta, and Mr. Vernon Keenan from the Georgia Bureau of Investigations all spoke in favor of the bill.

Sen. Hill (6th) made a motion to amend for the purpose of creating a committee substitute by striking on line 21 the words "or second;" by striking on line 22 the word "third" and replacing it with the word "second;" and by striking the word "third" on line 83 and replacing it with the word "second." Sen. Bethel (54th) seconded the motion. The motion passed 8-0.

Sen. Bethel (54th) made a motion that SB 278 **Do Pass By Substitute**. Sen. Parent (42nd) seconded the motion. The motion passed 8-0.

SB 278 DO PASS BY SUBSTITUTE (LC 29 6882S)

With no further business, the meeting was adjourned at 4:49 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

February 9, 2016

The Senate Committee on Judiciary Non-Civil held its third meeting of the 2016 Legislative Session on Tuesday, February 9, 2016, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Harold Jones, II (22nd)
Sen. Elena Parent (42nd)

NOTE: Sen. Vincent Fort (39th), Sen. Hunter Hill (6th), and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 4:19 p.m.

SB 331, Sen. Bruce Thompson (14th), Courts; causing a child to be conceived; violating certain prohibitions relating certain offenses; additional ground for terminating parental rights

Sen. Thompson (14th) presented SB 331 (LC 28 7894) to the Committee for a hearing only. No one spoke for or against the bill.

Chairman Stone (23rd) appointed a Subcommittee consisting of Sen. Kennedy (18th) and Sen. Ligon, Jr. (3rd), with Sen. Bethel (54th) to chair. This was a hearing only and no action was taken.

HEARING ONLY

With no further business, the meeting was adjourned at 4:43 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

February 11, 2016

The Senate Committee on Judiciary Non-Civil held its fourth meeting of the 2016 Legislative Session on Thursday, February 11, 2016, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Mike Crane (28th)
Sen. Hunter Hill (6th)
Sen. Harold Jones, II (22nd)
Sen. Elena Parent (42nd)

NOTE: Sen. Charlie Bethel (54th), Sen. Vincent Fort (39th) and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 4:06 p.m.

NOTE: Sen. Bethel (54th) arrived at 4:11 p.m.

HB 352, Rep. Brian Strickland (111th), Criminal procedure; change provisions relating to discovery in misdemeanor cases; provisions

Rep. Strickland (111th) presented HB 352 (LC 29 6526S) to the Committee.

Mr. Barry Morgan from the Cobb County Solicitor General's Office spoke in favor of the bill.

Mr. Ben Sessions, a private attorney from the Sessions Law Group spoke in opposition to the bill.

This was a hearing only and no action was taken.

HEARING ONLY

SB 331, Sen. Bruce Thompson (14th), Courts; causing a child to be conceived; violating certain prohibitions relating certain offenses; additional ground for terminating parental rights

Subcommittee Chairman Bethel (54th) reported back to the Committee on LC 29 6942S. Section one remained unchanged. Section two is new and creates barriers to legitimation. Sections three and four cover child adoption. No one spoke for or against the bill.

Sen. Bethel (54th) made a motion that SB 331 **Do Pass By Substitute**. The motion passed 7-0.

SB 331 DO PASS BY SUBSTITUTE (LC 29 6942S)

With no further business, the meeting was adjourned at 4:49 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

February 16, 2016

The Senate Committee on Judiciary Non-Civil held its fifth meeting of the 2016 Legislative Session on Tuesday, February 16, 2016, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Elena Parent (42nd)

NOTE: Sen. William Ligon, Jr. (3rd), Vice-Chairman, Sen. Vincent Fort (39th), Sen. Hunter Hill (6th), Sen. Harold Jones, II (22nd), and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 4:36 p.m.

NOTE: Sen. Jones, II (22nd) arrived at 4:40 p.m.

NOTE: Sen. Hill (6th) arrived at 4:45 p.m.

SB 77, Sen. John Albers (56th), DNA Sampling, Collection, and Analysis; provide for analysis and collection of DNA for individuals arrested and convicted of felony offenses

Sen. Albers (56th) presented a substitute to the Committee, SB 77 (LC 29 6909S).

Mr. Thomas Weaver and Ms. Catherine Bernard, Georgia citizens; Mr. Mark Lounden-Brown from the Southern Center for Human Rights; Ms. Sandra Michaels from the Georgia Association of Criminal Defense Lawyers; and Ms. Aimee Maxwell from the Georgia Innocence Project, all spoke in opposition to the bill.

Mr. Terry Norris from the Sheriffs Association; and Mr. Chuck Spahos from the Prosecuting Attorneys Council spoke in favor of the bill.

HEARING ONLY

With no further business, the meeting was adjourned at 5:25 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

February 18, 2016

The Senate Committee on Judiciary Non-Civil held its sixth meeting of the 2016 Legislative Session on Thursday, February 18, 2016, at 3:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Vincent Fort (39th)
Sen. Hunter Hill (6th)
Sen. Harold Jones, II (22nd)

NOTE: Sen. Josh McKoon (29th), Ex-Officio, and Sen. Elena Parent (42nd) were absent.

Chairman Stone (23rd) called the meeting to order at 3:19 p.m.

NOTE: Sen. Parent (42nd) arrived at 3:19 p.m.

NOTE: Sen. Crane (28th) left at 3:53 p.m.

NOTE: Sen. Ligon, Jr. (3rd) left at 3:54 p.m.

SB 367, Sen. Kennedy (18th), Georgia Council Justice Reform; provide for comprehensive reform

Sen. Kennedy (18th) presented SB 367 (LC 29 6906-EC) to the Committee.

Ms. Wendi Clifton, from the Barton Center, Ms. Polly McKinney from Voices for Georgia's Children, and Mr. Gary Jackson, a judge from Atlanta Municipal Court, spoke in favor of the bill.

Sen. Bethel (54th) made a motion that SB 367 **Do Pass**. Sen. Hill (6th) seconded the motion. The motion passed 6-0.

SB 367 DO PASS

With no further business, the meeting was adjourned at 4:08 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

February 23, 2016

The Senate Committee on Judiciary Non-Civil held its seventh meeting of the 2016 Legislative Session on Tuesday, February 23, 2016, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Harold Jones, II (22nd)
Sen. Josh McKoon (29th), Ex-Officio
Sen. Elena Parent (42nd)

NOTE: Sen. Vincent Fort (39th) and Sen. Hunter Hill (6th) were absent.

Chairman Stone (23rd) called the meeting to order at 4:08 p.m.

NOTE: Sen. Hill (6th) arrived at 4:12 p.m.

SB 77, Sen. John Albers (56th), DNA Sampling, Collection, and Analysis; provide for analysis and collection of DNA for individuals arrested and convicted of felony offenses

Sen. Albers (56th) presented a substitute for SB77 (LC 29 6984S) to the Committee.

Mr. Chuck Spahos from the Prosecuting Attorneys Council spoke in favor of the bill.

Sen. Bethel (54th) made a motion to adopt amendment AM 29 2505 for the purposes of creating a committee substitute with the following changes: to add on the end of line 8, after the words “12 months” the words “unless the court has issued a bench warrant for a defendant's or codefendants,” and additionally, to strike on line 12 the words “prosecuting attorney” and replace with “clerk of court.” Sen. Kennedy (18th) seconded the motion. The motion passed 8-0.

Sen. Bethel (54th) made a motion that SB 77 **Do Pass By Substitute**. Sen. McKoon (29th) seconded the motion. The motion passed 7-1, with Sen. Crane (28th) voting against.

SB 77 DO PASS BY SUBSTITUTE LC 29 7028S

SB 332, Sen. John Kennedy (18th), Public Order and Safety; clarify the judges and justices who are exempt; various weapon carry laws and prohibitions

Sen. Kennedy (18th) presented a substitute to SB 332 (LC 41 0759S) to the Committee.

Ms. Christine Butcher and Ms. Cynthia Clenten from Administrative Office of the Courts spoke in favor of the bill.

Sen. Bethel (54th) made a motion to amend the substitute (LC 41 0759S) by striking on line 54 the words “provided, further, that such federal judges are residents of this state” and to replace the word “obverse” on line 112 to “face.” Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 8-0.

Sen. Bethel (54th) made a motion that SB 332 **Do Pass By Substitute.** Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 8-0.

SB 332 DO PASS BY SUBSTITUTE LC 29 7029S

With no further business, the meeting was adjourned at 4:48 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

February 25, 2016

The Senate Committee on Judiciary Non-Civil held its eighth meeting of the 2016 Legislative Session on Thursday, February 25, 2016, at 3:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Harold Jones, II (22nd)
Sen. Elena Parent (42nd)

NOTE: Sen. Charlie Bethel (54th), Sen. Mike Crane (28th), Sen. Vincent Fort (39th), Sen. Hunter Hill (6th), and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 3:04 p.m.

SB 285, Sen. Emanuel Jones (10th), Bonds and Recognizance; prohibit the operation of a motor vehicle as condition of bail for offense of homicide by vehicle

Sen. Jones (10th) presented SB 285 (LC 39 1096) to the Committee.

Ms. Jacklyn Lavender, a Georgia citizen, spoke in favor of the bill. This was a hearing only and no action was taken.

HEARING ONLY

NOTE: Sen. Crane (28th) arrived at 3:22 p.m.

SB 260, Sen. Michael Rhett (33rd), Firearms; prohibit the purchase by person currently a party to proceeding under Chapter 5 of Title 19 (divorce proceeding)

Sen. Rhett (33rd) presented SB 260 (LC 41 0576) to the Committee. No one spoke for or against the bill. This was a hearing only and no action was taken.

HEARING ONLY

SB 254, Sen. Harold Jones, II (22nd), Controlled Substances; provide simple possession of marijuana constitutes a misdemeanor

Sen. Jones, II (22nd) presented SB 254 (LC 29 6761) to the Committee.

Ms. Sharon Ravert, Ms. Marissa Dodson, Mr. James Bell and Mr. Roland Carlisle spoke in favor of the bill. This was a hearing only and no action was taken.

HEARING ONLY

SB 405, Sen. Bill Heath (31st), Crimes and Offenses; carrying and possession of firearms; definition of a term; change provisions

Sen. Heath (31st) presented SB 405 (LC 29 6791) to the Committee. No one spoke for or against the bill. This was a hearing only and no action was taken.

HEARING ONLY

With no further business, the meeting was adjourned at 4:20 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

March 8, 2016

The Senate Committee on Judiciary Non-Civil held its ninth meeting of the 2016 Legislative Session on Tuesday, March 8, 2016, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. Elena Parent (42nd)

NOTE: Sen. Hunter Hill (6th) and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 4:13 p.m.

HB 948, Rep. Alan Powell (32nd), Penal institutions; application fee paid to the State Board of Pardons and Paroles by non-indigent adult offenders applying to transfer supervision; revise

Rep. Powell (32nd) presented HB 948 (LC 41 0688) to the Committee. No one spoke for or against the bill.

Sen. Kennedy (18th) made a motion that HB 948 **Do Pass**. Sen. Bethel (54th) seconded the motion. The motion passed 7-0. Sen. Sims (12th) will carry the bill in the Senate.

HB 948 DO PASS

NOTE: Sen. Hill (6th) arrived at 4:20 p.m.

HB 205, Rep. Tom Rice (95th), Drivers' licenses; require driver who refused blood alcohol concentration testing to install and maintain ignition interlock devices on vehicle; provisions

Rep. Rice (95th) presented HB 205 (LC 29 6952S) to the Committee.

Ms. Colleen Sheckey-Church, Mr. Frank Harris, Ms. Debbie Day, and Ms. Amy Sands from MADD; Mr. Bob Dallas, the former Director of Highway Safety; and Mr. Mark Middleton from AAA Auto Group spoke in favor of the bill.

Mr. Barry Morgan, Ms. Sherry Boston, Ms. Sandy Wisenbaker, Solicitor Generals; Mr. Al Wong, State Court Judge from DeKalb County; Mr. Russ McClelland, State Court Judge from Forsyth County; and Mr. Chuck Spahos from the Prosecuting Attorneys Council all spoke in opposition to the bill.

Sen. Stone (23rd) assigned HB 205 to a Subcommittee to further discuss the bill. The members of the Subcommittee are Sen. Bethel (54th), Sen. Hill (6th), Sen. Ligon, Jr. (3rd), with Sen. Jones, II (22nd) to chair. This was a hearing only and no action was taken.

HEARING ONLY

HB 874, Rep. Bert Reeves (34th), Courts; ability to prosecute street gang terrorism; improve

Rep. Reeves (34th) presented HB 874 (LC 29 698ERS) to the Committee.

Ms. Sandra Micheals from the Georgia Association of Criminal Defense Lawyers, spoke in opposition to the bill.

Mr. Walter Marchant from the Georgia Gang Investigators Association; Mr. Clay Nix from the Georgia Department of Corrections; and Mr. Mike Carlson from the Cobb County District Attorney's Office, spoke in favor of the bill. This was a hearing only and no action was taken.

HEARING ONLY

HB 905, Rep. Mandi Ballinger (23rd), Courts; child abuse; change provisions

Rep. Ballinger (23rd) presented HB 905 (LC 29 6980S) to the Committee. No one spoke for or against the bill. This was a hearing only and no action was taken.

HEARING ONLY

With no further business, the meeting was adjourned at 6:46 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

March 9, 2016

The Senate Committee on Judiciary Non-Civil held its tenth meeting of the 2016 Legislative Session on Wednesday, March 9, 2016, at 3:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. Mike Crane (28th)
Sen. Elena Parent (42nd)
Sen. Mike Dugan (30th), Ex-Officio this meeting only

NOTE: Sen. John Kennedy (18th), Secretary, Sen. Charlie Bethel (54th), Sen. Vincent Fort (39th), Sen. Hunter Hill (6th), Sen. Harold Jones, II (22nd), and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 3:12 p.m.

NOTE: Sen. Fort (39th) arrived at 3:15 p.m.

NOTE: Sen. Jones, II (22nd) arrived at 3:19 p.m.

NOTE: Sen. Bethel (54th) arrived at 3:23 p.m.

HB 941, Rep. Rich Golick (40th), Courts; review of incidents involving a peace officer's use of deadly force that result in death or serious bodily injury; provide for procedure

Rep. Golick (40th) presented HB 941 (LC 29 6931ERS) to the Committee.

Mr. Lance LoRusso, Mr. Oliver Hunter, Mr. Keith Higgins, attorneys; Mr. Billy Grogan from the Georgia Association of Chiefs of Police; Mr. Terry Norris from the Georgia Sheriffs Association and Ms. Nydia Tisdal from *About Forsyth.com* spoke in favor of the bill.

Mr. Garland Favorito, Ms. Freda Waiters, Ms. Ericka Williams, Mr. Ted Metz and Sir Maejor Page, Georgia citizens, spoke in opposition to the bill. This was a hearing only and no action was taken.

HEARING ONLY

NOTE: Sen. Fort (39th) left at 4:57 p.m.

HB 304, Rep. Dustin Hightower (68th), Criminal procedure; fixing of sentence; clarify service of consecutive sentences

Rep. Hightower (68th) presented a substitute to HB 304 (LC 29 7083S) to the Committee. No one spoke for or against the bill.

Sen. Bethel (54th) made a motion that HB 304 **Do Pass By Substitute**. Sen. Parent (42nd) seconded the motion. The motion passed 6-0. Sen. Stone (23rd) will carry the bill in the Senate.

HB 304 DO PASS BY SUBSTITUTE (LC 29 7083S)

NOTE: Sen. Fort (39th) arrived at 5:06 p.m.

NOTE: Sen. Dugan (30th) left at 5:06 p.m.

HB 949, Rep. Alan Powell (32nd), Crimes and offenses; illegal use of financial transaction cards; revise provisions

Rep. Powell (32nd) presented HB 949 (LC 29 6982ERS) to the Committee.

Mr. Todd Edwards from the Association of County Commissioners of Georgia, Mr. Terry Norris from the Georgia Sheriff's Association, and Ms. Marci Rubenshon from Georgia Municipal Association spoke in favor of the bill.

Sen. Parent (42nd) made a motion to amend by striking the words "or employees" on line 58. Sen. Jones, II (22nd) seconded the motion. The motion passed 6-0.

Sen. Bethel (54th) made a motion that HB 949 **Do Pass By Substitute**. Sen. Jones, II (22nd) seconded the motion. The motion passed 6-0. Sen. Bethel (54th) will carry the bill in the Senate.

HB 949 DO PASS BY SUBSTITUTE LC 29 7090ERS

HB 976, Rep. Bill Hitchens (161st), State records management; minimum retention periods for video recordings from law enforcement devices on or inside a vehicle; provide

Rep. Hitchens (161st) presented HB 976 (LC 41 0767S) to the Committee.

Mr. Ronald Barrett from the City of Marietta, Mr. Billy Grogan from the Georgia Association of Chiefs of Police, and Mr. Justin Kirmon from Georgia Municipal Association spoke in favor of the bill.

Sen. Bethel (54th) made a motion that HB 976 **Do Pass**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 6-0. Sen. P. K. Martin (9th) will carry the bill in the Senate.

HB 976 DO PASS

NOTE: Sen. Crane (28th) left at 5:38 p.m.

HB 979, Rep. Johnnie Caldwell (131st) Crimes and offenses; assault and battery; increase the punishment committed upon hospital emergency department and medical services personnel

Rep. Caldwell (131st) presented HB 979 (LC 33 6447) to the Committee.

Mr. Tim Kibler from Georgia Alliance, Ms. Deb Bailey from Northeast Georgia Health System, and Mr. Josh Mackey from Georgia Association of EMS spoke in favor of the bill.

Sen. Bethel (54th) made a motion that HB 979 **Do Pass**. Sen. Parent (42nd) seconded the motion. The motion passed 5-0. Sen. Unterman (45th) will carry the bill in the Senate.

HB 979 DO PASS

With no further business, the meeting was adjourned at 5:46 p.m.

Respectfully Submitted,

/s/ Sen. Jesse Stone (23rd), Chairman

/s/ Donna Yeomans, Recording Secretary



OFFICE OF LIEUTENANT GOVERNOR

240 STATE CAPITOL
ATLANTA, GEORGIA 30334

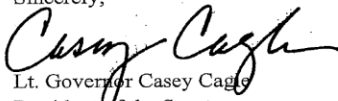
CASEY CAGLE
LIEUTENANT GOVERNOR

Mr. David Cook
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear David,

In accordance with the Senate Rules, the Senate Committee on Assignments hereby appoints Senator Mike Dugan to serve as Ex-Officio for the Senate Judiciary Non-Civil Committee meeting on March 9, 2016. This appointment shall expire upon adjournment of the committee meeting.

Sincerely,


Lt. Governor Casey Cagle
President of the Senate

CC/tes

Copy to:

Legislative Fiscal Officer
Committee Chair
Appointee

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

March 10, 2016

The Senate Committee on Judiciary Non-Civil held its eleventh meeting of the 2016 Legislative Session on Thursday, March 10, 2016, at 3:30 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Harold Jones, II (22nd)
Sen. Elena Parent (42nd)

NOTE: Sen. William Ligon, Jr. (3rd), Vice-Chairman, Sen. Vincent Fort (39th), Sen. Hunter Hill (6th), and Sen. Josh McKoon (29th), Ex-Officio, were absent.

Chairman Stone (23rd) called the meeting to order at 3:43 p.m.

NOTE: Sen. Hill (6th) arrived at 3:46 p.m.

HB 352, Rep. Brian Strickland (111th), Criminal procedure; change provisions relating to discovery in misdemeanor cases; provisions

Rep. Strickland (111th) presented a substitute to HB 352 (LC 29 6973S) to the Committee.

Ms. Rebecca Grist, from the Bibb County Solicitor's Office spoke in favor of the bill.

Sen. Kennedy (18th) made a motion that HB 352 **Do Pass By Substitute**. Sen. Jones, II (22nd) seconded the motion. The motion passed 6-0. Sen. Bethel (54th) will carry the bill in the Senate.

HB 352 DO PASS BY SUBSTITUTE (LC 29 6973S)

NOTE: Sen. Ligon, Jr. (3rd) arrived at 3:49 p.m.

HB 783, Rep. Bruce Broadrick (4th), Controlled substances; Schedules I and IV; change certain provisions

Rep. Broadrick (4th) presented a substitute to HB 783 (LC 29 7086S) to the Committee. No one spoke for or against the bill.

Sen. Hill (6th) made a motion that HB 783 **Do Pass By Substitute**. Sen. Parent (42nd) seconded the motion. The motion passed 7-0. Sen. Chuck Hufstetler (52nd) will carry the bill in the Senate.

HB 783 DO PASS BY SUBSTITUTE (LC 29 7086S)

With no further business, the meeting was adjourned at 4:01 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

March 14, 2016

The Senate Committee on Judiciary Non-Civil held its twelfth meeting of the 2016 Legislative Session on Monday, March 14, 2016, at 5:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. William Ligon, Jr. (3rd), Vice-Chairman
Sen. Charlie Bethel (54th)
Sen. Mike Crane (28th)
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)

NOTE: Sen. John Kennedy (18th), Secretary, Sen. Hunter Hill (6th), Sen. Josh McKoon (29th), Ex-Officio, and Sen. Elena Parent (42nd) were absent.

Chairman Stone (23rd) called the meeting to order at 5:10 p.m.

HB 874, Rep. Bert Reeves (34th), Courts; ability to prosecute street gang terrorism; improve

Rep. Reeves (34th) presented a substitute to HB 874 (LC 29 7087ERS) to the Committee.

Mr. Mike Carlson, Deputy Chief Assistant District Attorney and Mr. Jesse Evans from the Cobb County District Attorney's Office spoke in favor of the bill.

NOTE: Sen. Crane (28th) left at 5:20 p.m.

Sen. Jones, II (22nd) made a motion that HB 874 **Do Pass by Substitute**. Sen. Bethel (54th) seconded the motion. The motion passed 4-0. Sen. Judson Hill (32nd) will carry the bill in the Senate.

HB 874 DO PASS BY SUBSTITUTE (LC 29 7087ERS)

NOTE: Sen. Crane (28th) returned at 5:24 p.m.

HB 905, Rep. Mandi Ballinger (23rd) Courts; child abuse; change provisions

Rep. Ballinger (23rd) presented a substitute to HB 905 (LC 29 7105S) to the Committee. No one spoke for or against the bill.

NOTE: Sen. Fort (39th) left at 5:24 p.m.

Sen. Bethel (54th) made a motion that HB 905 **Do Pass by Substitute**. Sen. Jones, II (22nd) seconded the motion. The motion passed 4-0. Sen. Bethel (54th) will carry the bill in the Senate.

HB 905 DO PASS BY SUBSTITUTE (LC 29 7105S)

NOTE: Sen. Parent (42nd) arrived at 5:37 p.m.

HB 941, Rep. Rich Golick (40th), Courts; review of incidents involving a peace officer's use of deadly force that result in death or serious bodily injury; provide for procedure

Rep. Golick (40th) presented two substitutes to HB 941 (LC 29 7108ERS) and (LC 29 7111ERS) to the Committee.

Mr. Lance LoRusso, Attorney; Dr. Bill Hudson from Restore and Preserve the Constitution; Mr. Nicholas Messing, Georgia citizen; Mr. Howard Sills, Sheriff; Mr. Vernon Keenan, Director GBI; Sir Maejor Page from Black Lives Matter; Ms. Ericka Williams and Mr. Garland Favorito, Georgia citizen, spoke in opposition to the substitute.

Mr. Oliver Hunter and Mr. Gerald Griggs, attorneys, spoke in favor of the substitute. This was a hearing only and no action was taken.

HEARING ONLY

With no further business, the meeting was adjourned at 6:38 p.m.

Respectfully Submitted,

/s/ Sen. Jesse Stone (23rd), Chairman

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY NON-CIVIL

March 15, 2016

The Senate Committee on Judiciary Non-Civil held its thirteenth meeting of the 2016 Legislative Session on Tuesday, March 15, 2016, at 7:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. John Kennedy (18th), Secretary
Sen. Charlie Bethel (54th)
Sen. Vincent Fort (39th)
Sen. Tyler Harper (7th), Ex-Officio for this meeting
Sen. Hunter Hill (6th)
Sen. Harold Jones, II (22nd)

NOTE: Sen. William Ligon, Jr. (3rd), Vice-Chairman, Sen. Mike Crane (28th), Sen. Josh McKoon (29th), Ex-Officio, and Sen. Elena Parent (42nd) were absent.

Chairman Stone (23rd) called the meeting to order at 7:01 p.m.

HB 941, Rep. Rich Golick (40th), Courts; review of incidents involving a peace officer's use of deadly force that result in death or serious bodily injury; provide for procedure

Chairman Stone (23rd) presented two substitutes to HB 941 (LC 29 7108ERS) and (LC 29 7111ERS) to the Committee.

Sen. Fort (39th) made a motion that HB 941, LC 29 7108ERS, **Do Pass By Substitute**. Sen. Jones (22nd) seconded the motion. The motion failed 4-2, with Sen. Fort (39th) and Sen. Jones, II (22nd) voting in favor and Sen. Bethel (54th), Sen. Kennedy (18th), Sen. Harper (7th), and Sen. Hill (6th) voting against. A copy of the failed substitute is attached.

HB 941 MOTION FAILED (LC 29 7108ERS)

NOTE: Sen. McKoon (29th) arrived at 7:05 p.m.

NOTE: Sen. Ligon, Jr. (3rd) arrived at 7:07 p.m.

Sen. Bethel (54th) made a motion that HB 941, LC 29 7111ERS, **Do Pass by Substitute**. Sen. Jones, II (22nd) seconded the motion. The motion passed 8-0. Sen. Bethel (54th) will carry the bill in the Senate.

HB 941 DO PASS BY SUBSTITUTE (LC 29 7111ERS)

NOTE: Sen. Harper (7th) and Sen. Hill (6th) left at 7:18 p.m.

HB 205, Rep. Tom Rice (95th), Drivers' licenses; require driver who refused blood alcohol concentration testing to install and maintain ignition interlock devices on vehicle; provisions

A Subcommittee meeting was held on March 10, 2016 to discuss the bill. Sen. Jones, II (22nd) reported the bill back to the full Committee.

Chairman Stone (23rd) presented a substitute to HB 205 (LC 29 7122S) to the Committee. Sen. Bethel (54th) made a motion that HB 205 **Do Pass by Substitute**. Sen. Jones, II (22nd) seconded the motion. The motion passed 6-0. Sen. Bill Cowsert (46th) will carry the bill in the Senate.

HB 205 DO PASS BY SUBSTITUTE (LC 29 7122S)

With no further business, the meeting was adjourned at 7:28 p.m.

Respectfully Submitted,

/s/ Sen. John Kennedy (18th), Secretary

/s/ Donna Yeomans, Recording Secretary



OFFICE OF LIEUTENANT GOVERNOR

240 STATE CAPITOL
ATLANTA, GEORGIA 30334


CASEY CAGLE
LIEUTENANT GOVERNOR

Mr. David Cook
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear David,

In accordance with the Senate Rules, the Senate Committee on Assignments hereby appoints Senator Tyler Harper to serve as Ex-Officio for the Senate Judiciary Non-Civil meeting on March 15, 2016. This appointment shall expire upon adjournment of the committee meeting.

Sincerely,


Lt. Governor Casey Cagle
President of the Senate

CC/tes

Copy to:

Legislative Fiscal Officer
Committee Chair
Appointee

_____ offers the following
substitute to HB 941:

LOST

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 15, Chapter 7 of Title 17, and Chapter 11 of Title 45 of the
2 Official Code of Georgia Annotated, relating to juries, pretrial proceedings, and
3 miscellaneous offenses concerning public officers and employees, respectively, so as to
4 provide for procedure for review of incidents involving a peace officer's use of deadly force
5 that results in death or serious bodily injury; to provide for definitions; to provide for
6 procedure and disclosure of information from such review; to repeal provisions relating to
7 the use of stenographers and enact provisions relating to court reporters in grand jury
8 proceedings; to change provisions relating to the use of special purpose grand juries; to
9 repeal population Act features connected to grand juries; to amend Code Section 15-18-5 of
10 the Official Code of Georgia Annotated, relating to appointment for absent or disqualified
11 district attorney, so as to provide for the appointment of counsel when a district attorney's
12 office is involved in an investigation or prosecution of an incident in which a peace officer's
13 use of deadly force resulted in the death of another; to provide for peace officer notification
14 of grand jury proceedings and the process of testifying before a grand jury; to change
15 provisions relating to the indictment of public officials for professional misconduct; to
16 provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 SECTION 1.

19 Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is
20 amended in Code Section 15-12-71, relating to the duties of the grand jury, by adding a new
21 paragraph to subsection (b) and two new subsections to read as follows:

22 "(5)(A) As used in this paragraph, the term 'serious bodily injury' means bodily harm
23 which deprives a person of a member of his or her body, which renders a member of
24 such person's body useless, or which seriously disfigures such person's body or a
25 member thereof.

26 (B) The grand jury, whenever deemed necessary by eight or more of its members, or
27 at the request of the district attorney or attorney appointed under Code Section 15-18-5,
28 as applicable, shall conduct a review of any incident in which a peace officer's use of
29 deadly force resulted in death or serious bodily injury to another. Except when
30 requested by the district attorney or attorney appointed under Code Section 15-18-5, as
31 applicable, such review shall only be conducted after the investigative report of the
32 incident has been completed and submitted to the district attorney or attorney appointed
33 under Code Section 15-18-5, as applicable. The district attorney shall begin assisting
34 the grand jury in its review no later than one year from the date of the incident or, if an
35 attorney was appointed under Code Section 15-18-5, one year from the date of such
36 appointment. A review shall not be conducted pursuant to this paragraph in any case
37 in which the district attorney or attorney appointed under Code Section 15-18-5, as
38 applicable, informs the grand jury that a bill of indictment or special presentment will
39 be presented to a grand jury charging such peace officer with a criminal offense in
40 conjunction with, or arising out of, the incident in which such peace officer's use of
41 deadly force resulted in death or serious bodily injury to another.

42 (C) Not less than 20 days prior to the date upon which the grand jury shall begin
43 hearing evidence in its review, the chief executive officer of the law enforcement
44 agency and the peace officer shall be notified of such date and the time and place of the
45 grand jury meeting, provided that nothing in this paragraph shall require either officer
46 to make a presentation to the grand jury unless requested by the grand jury to do so.

47 (D) When the grand jury is conducting a review pursuant to this paragraph, the
48 testimony of any witness appearing before it and any argument or legal advice provided
49 to the grand jury by the prosecuting attorney shall be recorded by a court reporter. The
50 cost of conducting such review, including, but not limited to, the cost of any recordation
51 and transcription of testimony, shall be paid out of the county treasury, upon the
52 certificate of the judge of the superior court, as other court expenses are paid.

53 (E) Prior to the introduction of any evidence or the first witness being sworn, the
54 district attorney or attorney appointed under Code Section 15-18-5, as applicable, shall
55 advise the grand jury of the laws applicable to the conduct of such review. In
56 particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21,
57 16-3-23.1, and 17-4-20."

58 "(e)(1) If the grand jury conducts a review pursuant to paragraph (5) of subsection (b) of
59 this Code section, and the grand jury does not request that the district attorney or attorney
60 appointed under Code Section 15-18-5, as applicable, create a bill of indictment or
61 special presentment, the grand jury shall prepare a report or issue a general presentment

62 based upon its inspection, and any such report or presentment shall be subject to
63 publication as provided for in Code Section 15-12-80.

64 (2) Such report or general presentment shall include a summary of the evidence
65 considered by the grand jury and the grand jury's findings of the facts regarding the
66 incident.

67 (3) Such report or general presentment shall be returned to the court by the grand jury
68 and published in open court, and the report or general presentment shall be filed with the
69 clerk.

70 (4) If the grand jury does not request that the district attorney or attorney appointed under
71 Code Section 15-18-5, as applicable, create a bill of indictment or special presentment,
72 such prosecuting attorney shall, upon the release of such report or general presentment
73 and unless otherwise ordered by the court, make available for inspection or copying any
74 evidence considered by the grand jury during such review and the transcripts of the
75 testimony of the witnesses who testified during the review no later than the end of the
76 following term of court or six months, whichever is later. On motion of the district
77 attorney or attorney appointed under Code Section 15-18-5, as applicable, the court shall
78 order the redaction of any part of the evidence or transcripts which contains matters
79 subject to a statutory privilege, the names of the grand jurors, or information contained
80 therein that may be exempt from disclosure pursuant to Code Section 50-18-72.

81 (5) Any person requesting copies of such report, copies of any evidence considered by
82 the grand jury during such review, or the transcripts of the testimony of the witnesses
83 who testified during the review may be charged a reasonable fee for the cost of the
84 redaction, reproduction, copying, and delivery of such report, evidence, or transcripts as
85 provided in Code Section 50-18-71. Such costs shall be paid before such material is
86 provided.

87 (f) If the grand jury requests that the district attorney or attorney appointed under Code
88 Section 15-18-5, as applicable, create a bill of indictment or special presentment against
89 the peace officer, the transcript of the testimony of the witnesses who testified during the
90 review, together with any other evidence presented to the grand jury, shall be not be
91 disclosed, except as provided in Code Section 15-12-72 and in compliance with Article 1
92 of Chapter 16 of Title 17. If the bill of indictment or special presentment is to be presented
93 to another grand jury, the district attorney or attorney appointed under Code Section
94 15-18-5, as applicable, shall transfer such transcripts and evidence to the grand jury
95 considering the bill of indictment or special presentment."

SECTION 2.

Said chapter is further amended by revising Code Section 15-12-74, relating to grand jury presentment of offenses, as follows:

"15-12-74.

(a) Grand jurors have a duty to examine or make presentments of such offenses as may or shall come to their knowledge or observation after they have been sworn. Additionally, they have the right and power and it is their duty as jurors to make presentments of any violations of the laws which they may know to have been committed at any previous time which are not barred by the statute of limitations.

(b) If a true bill is returned by the grand jury on any count of an indictment or special presentment, the indictment or special presentment shall be published in open court. If a no bill is returned by the grand jury on all counts of an indictment or special presentment, the prosecuting attorney shall file such indictment or special presentment with the clerk."

SECTION 3.

Said chapter is further amended by repealing Code Section 15-12-83, relating to attendance of stenographer at grand jury proceeding and the use of a recording device, and enacting a new Code Section 15-12-83 to read as follows:

"15-12-83.

(a) Upon the request of the district attorney or when the grand jury proceedings are in accordance with Code Section 17-7-52, a court reporter shall be authorized to be present and shall attend such proceedings. Before attending the grand jury proceedings, the court reporter shall take the following oath:

'I do solemnly swear that I will keep secret all things and matters coming to my knowledge while in attendance upon the grand jury, so help me God.'

(b) The district attorney of the circuit in which the county is located or attorney appointed under Code Section 15-18-5, as applicable, shall appoint the court reporter and, notwithstanding any law to the contrary, fix the compensation therefor, and such compensation, including the cost of transcripts, shall be paid by the county.

(c) The court reporter shall take and transcribe the testimony of any witness appearing before the grand jury and any argument or legal advice provided to the grand jury by the prosecuting attorney and shall furnish such transcript to the district attorney or attorney appointed under Code Section 15-18-5, as applicable.

(d) When a witness testifies pursuant to a grant of immunity as provided in Code Section 24-5-507, such testimony shall be transcribed, a copy of the transcript shall be provided to the district attorney or attorney appointed under Code Section 15-18-5, as applicable, and the original transcript shall be filed under seal in the office of the clerk.

(e) The court reporter shall be incompetent to testify at any hearing or trial concerning any matter or thing coming to the knowledge of the court reporter while in attendance upon the grand jury.

(f) Except as otherwise provided in this Code section, a recording, any court reporter's notes, and any transcript prepared from such recording or notes shall be provided solely to the district attorney or attorney appointed under Code Section 15-18-5, as applicable, who shall retain control of such recording, notes, and transcript. The district attorney or attorney appointed under Code Section 15-18-5, as applicable, may use such materials to the extent such use is appropriate to the proper performance of his or her official duties, including compliance with Article 1 of Chapter 16 of Title 17."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 15-12-100, relating to the procedure for impaneling special grand jury, as follows:

"(a) The chief judge of the superior court of any county to which this part applies, on his or her own motion, on motion or petition of the district attorney, or on petition of any elected public official of the county or of a municipality lying wholly or partially within the county, may request the judges of the superior court of the county to impanel a special grand jury for the purpose of investigating any alleged violation of the laws of this state or any other matter subject to investigation by grand juries as provided by law."

SECTION 5.

Said chapter is further amended by repealing Code Section 15-12-102, relating to the applicability of special purpose grand juries, and enacting a new Code Section 15-12-102 to read as follows:

"15-12-102.

This part shall apply only to all counties and consolidated city-county governments of this state. Except as otherwise provided by this part, Part 1 of this article shall apply to the grand juries authorized by this part."

SECTION 6.

Code Section 15-18-5 of the Official Code of Georgia Annotated, relating to appointment for absent or disqualified district attorney, is amended by revising subsection (a) as follows:

"(a) When a district attorney's office is disqualified from interest or relationship to engage in a prosecution, or when a district attorney's office is involved in an investigation or prosecution of an incident in which a peace officer's use of deadly force resulted in the

165 death of another, the district attorney shall notify the Attorney General of the
 166 disqualification. Upon receipt of such notification, the Attorney General shall:

- 167 (1) Request the services of and thereafter appoint a district attorney, a solicitor-general,
 168 or a retired prosecuting attorney as provided in Code Section 15-18-30;
- 169 (2) Designate an attorney from the Department of Law; or
- 170 (3) Appoint a competent attorney to act as district attorney pro tempore in place of the
 171 district attorney."

172 SECTION 7.

173 Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial
 174 proceedings, is amended by revising Code Section 17-7-52, relating to the procedure for
 175 indictment of peace officer for crime in the performance of duties, notification, and rights of
 176 the officer, as follows:

177 "17-7-52.

178 (a) As used in this Code section, the term 'prosecuting attorney' means the district attorney
 179 or an attorney appointed under Code Section 15-18-5, as applicable.

180 (a)(b) Before an a bill of indictment or special presentment against a present or former
 181 peace officer charging the officer with a crime which is alleged to have occurred while he
 182 or she was in the performance of his or her duties is returned by presented to a grand jury,
 183 the officer shall be given a copy of the proposed bill of indictment or special presentment
 184 and notified in writing of the contemplated action by the district prosecuting attorney of the
 185 county wherein the grand jury shall convene and the officer shall be afforded the rights
 186 provided in Code Section 45-11-4. Such notice and a copy of the proposed bill of
 187 indictment or special presentment shall be provided to such officer not less than 20 days
 188 prior to the date upon which a grand jury will begin hearing evidence, and such notice shall
 189 inform such officer:

- 190 (1) That the grand jury is investigating such officer's conduct to determine if there is
 191 probable cause to conclude that he or she has violated one or more laws of this state;
- 192 (2) Of the date upon which the grand jury will begin hearing testimony on the proposed
 193 bill of indictment or special presentment and the location of the hearing;
- 194 (3) That he or she may request, but cannot be compelled, to testify as a witness before
 195 the grand jury regarding his or her conduct; and
- 196 (4) That, if such officer requests to testify before the grand jury, he or she will be
 197 permitted to do so at the conclusion of the presentation of the state's case-in-chief and that
 198 he or she may be questioned by the prosecuting attorney or members of the grand jury as
 199 are any other witnesses.

200 (c) If the officer requests to appear as a witness, he or she shall notify the prosecuting
201 attorney any time prior to the date the grand jury will begin hearing testimony in such
202 investigation. The prosecuting attorney shall, after consulting with the grand jury, inform
203 the officer in writing of the date and time when he or she shall be present in order to testify
204 and of the procedure that the grand jury will follow pursuant to subsection (d) of this Code
205 section. The prosecuting attorney shall further advise the grand jury that an officer has the
206 right to appear and testify or not to appear and testify and that, if the officer chooses not
207 to testify, the grand jury shall not consider that in any way in making its decision.

208 (d) Prior to the introduction of any evidence or the first witness being sworn, the
209 prosecuting attorney shall advise the grand jury of the laws applicable to the conduct of
210 such proceedings, all relevant sections of the Code relating to the crime or crimes alleged
211 in the bill of indictment, and any Code section that excuses or justifies such conduct. In
212 particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, 16-3-23.1,
213 and 17-4-20.

214 (e) If the officer requests to testify before the grand jury and appears at the date and time
215 specified, the case shall proceed as in any other criminal case heard by a grand jury, except
216 that the officer shall be permitted to testify at the conclusion of the presentation of the
217 state's case-in-chief and that he or she shall only be present in the grand jury room while
218 he or she is testifying. Such officer may be questioned by the prosecuting attorney or
219 members of the grand jury as are any other witnesses. After the officer has been sworn as
220 a witness and prior to any testimony by the officer, the prosecuting attorney shall advise
221 the officer substantially of the following:

222 (1) The officer's appearance before the grand jury is voluntary, and he or she cannot be
223 compelled to appear as a witness;

224 (2) By agreeing to be sworn as a witness on the bill of indictment or special presentment
225 that will be laid before the grand jury, he or she will be asked to testify and answer
226 questions and may be asked to produce records, documents, or other physical evidence;

227 (3) The officer may refuse to answer any question or to produce records, documents, and
228 other physical evidence if a truthful answer to the question or producing such records,
229 documents, or other physical evidence would tend to incriminate the officer or would
230 tend to bring infamy, disgrace, or public contempt upon the officer;

231 (4) Any testimony given by the officer may be used against him or her by the grand jury
232 or in a subsequent legal proceeding; and

233 (5) If the officer is represented by an attorney, the attorney shall have the right to be
234 present in the grand jury room while the officer is testifying, and the officer will be
235 permitted reasonable opportunity to consult with his or her attorney outside the grand jury
236 room.

237 (f) After being sworn as a witness but prior to being asked any questions by the
 238 prosecuting attorney or the grand jurors, the officer may make such sworn statement as he
 239 or she shall desire. The officer's attorney shall not propound questions to the officer nor
 240 object to questions propounded to the officer on evidentiary grounds.
 241 (g) At the conclusion of the officer's testimony, if any, the prosecuting attorney may
 242 present rebuttal evidence and advise the grand jury on matters of law.
 243 (h) At any time during the presentation of evidence or during deliberations, the grand jury
 244 may amend the bill of indictment or special presentment or instruct the prosecuting
 245 attorney to cause a new bill of indictment or special presentment to be created as in any
 246 other case. When a bill of indictment or special presentment is amended or newly created,
 247 the accused peace officer and his or her attorney shall be provided a copy of it.
 248 (i) No individual other than the jurors, and any interpreter needed to assist a hearing
 249 impaired or speech impaired juror, shall be present while the grand jury is deliberating or
 250 voting.
 251 (b)(j)(1) As used in this subsection, the term 'nonserious traffic offense' means any
 252 offense in violation of Title 40 which is not prohibited by Article 15 of Chapter 6 of Title
 253 40.
 254 (2) The requirements of subsection (a) of this Code section shall apply to all
 255 prosecutions, whether for felonies or misdemeanors or felonies, other than nonserious
 256 traffic offenses, and no such prosecution shall proceed either in state or superior court
 257 without a grand jury indictment or special presentment."

SECTION 8.

258
 259 Said chapter is further amended by revising subsection (e) of Code Section 17-7-70.1,
 260 relating to trial upon accusations in certain felony and misdemeanor cases, as follows:
 261 "(e) Notwithstanding the above provisions subsections (a) through (d) of this Code section,
 262 nothing in this Code section shall affect the rights of police officers and public officials to
 263 appear before a grand jury as provided in Code Sections 17-7-52, 45-11-4; and 45-15-11
 264 or peace officers to appear before a grand jury as provided in Code Section 17-7-52."

SECTION 9.

265
 266 Chapter 11 of Title 45 of the Official Code of Georgia Annotated, relating to miscellaneous
 267 offenses concerning public officers and employees, is amended by revising Code Section
 268 45-11-4, relating to unprofessional conduct and indictment, as follows:
 269 "45-11-4.
 270 (a) As used in this Code section, the term:

- 271 (1) 'County officer' means any elected county officer, including the judge of the probate
 272 court, clerk of the superior court, tax receiver, tax collector, and tax commissioner where
 273 such office has replaced the tax receiver and tax collector, and any county commissioner.
- 274 (2) 'Municipal officer' means any mayor or elected member of any municipal governing
 275 authority.
- 276 (3) 'Public officer' means a county officer, a municipal officer, and state officials as
 277 provided in Code Section 45-15-11.
- 278 (b) A public officer may be charged under this Code section for:
- 279 (1) Malpractice, misfeasance, or malfeasance in office;
- 280 (2) Using oppression or tyrannical partiality in the administration or under the color of
 281 his or her office;
- 282 (3) When required by law, willfully refusing or failing to preside in or hold his or her
 283 court at the regular terms thereof, or when it is his or her duty under the law to do so;
- 284 (4) Using any other deliberate means to delay or avoid the due course or proceeding of
 285 law; or
- 286 (5) Willfully and knowingly demanding more cost than he or she is entitled to by law in
 287 the administration and under color of his or her office.
- 288 (c) A conviction for violating subsection (b) of this Code section shall be punished as for
 289 a misdemeanor, and; upon conviction in a court of competent jurisdiction, the accused shall
 290 be removed from office.
- 291 (d) This Code section shall only apply to a public officer charged under subsection (b) of
 292 this Code section. This Code section shall not apply when a public officer is charged with
 293 any other crime alleged to have occurred while such official was in the performance of an
 294 official duty.
- 295 (e) This Code section shall only apply to a public officer holding office at the time of
 296 indictment and not to former office holders.
- 297 (f) ~~Any indictment brought pursuant to subsection (b) of this Code section shall specially~~
 298 ~~set forth the merits of the complaint against the accused public officer. A copy of the~~
 299 ~~proposed bill of indictment shall be served on the accused public officer at least 15 days~~
 300 ~~before it is presented to the grand jury.~~
- 301 (g) ~~The accused shall have the right to appear before the grand jury to make such sworn~~
 302 ~~statement as he or she shall desire at the conclusion of the presentation of the state's~~
 303 ~~evidence. The accused shall not be subject to examination, either direct or cross, and shall~~
 304 ~~not have the right individually or through his or her counsel to examine the state's~~
 305 ~~witnesses. The accused and his or her counsel shall have the right to be present during the~~
 306 ~~presentation of all evidence and alleged statements of the accused on the proposed~~
 307 ~~indictment, presentment, or accusation, after which the accused and his or her counsel shall~~

308 retire instanter from the grand jury room to permit the grand jury to deliberate upon the
309 indictment.

310 (h) At any time during the presentation of evidence or during deliberations, the grand jury
311 may amend the indictment or instruct the district attorney to cause a new indictment to be
312 drawn as in any other case. In such case, a copy of the amendment or new indictment, if
313 it relates to the accused public official, shall be provided to the accused public official and
314 his or her counsel.

315 (i) If a true bill is returned by the grand jury, the indictment shall, as in other cases, be
316 published in open court and shall be placed on the superior court criminal docket of cases
317 to be tried by a trial jury."

318 **SECTION 10.**

319 All laws and parts of laws in conflict with this Act are repealed.

March 24, 2016

Office of the Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Mr. Cook:

On behalf of the Senate Judiciary Non-Civil Chairman, Sen. Jesse Stone (23rd), and as recording secretary for the committee, the following committee bills and resolutions are respectfully returned to you.

[Senate Bill 7](#)
[Senate Bill 45](#)
[Senate Bill 47](#)
[Senate Bill 48](#)
[Senate Bill 50](#)
[Senate Bill 98](#)
[Senate Bill 159](#)
[Senate Bill 177](#)
[Senate Bill 198](#)
[Senate Bill 254](#)
[Senate Bill 260](#)
[Senate Bill 267](#)

[Senate Bill 285](#)
[Senate Bill 401](#)
[Senate Bill 405](#)

[Senate Resolution 6](#)
[Senate Resolution 336](#)
[Senate Resolution 381](#)
[Senate Resolution 382](#)
[Senate Resolution 1083](#)

[House Bill 103](#)

No action was taken by the committee on the above legislation for the 2016 legislative Session.

Respectfully Submitted,

Donna Yeomans,
Recording Secretary